

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2005/010198

International filing date (day/month/year)
27.05.2005

Priority date (day/month/year)
31.05.2004

International Patent Classification (IPC) or both national classification and IPC
H04N7/24, H04H1/00

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/JP2005/010198

AP20 Rec'd PCT/PTO 18 JUL 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/010198

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

10/586438
AP20 Rec'd PCT/PTO 18 JUL 2006
International application No.

PCT/JP2005/010198

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US-A-2003 153369

D2: "Error Control and Concealment for Video Communication: A Review", Wang, Y. and Zhu, Q., Proceedings of the IEEE, Vol. 86, No. 5, May 1998

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1 and 9-11 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses (the references in parentheses applying to this document):

A digital broadcasting system for transmitting and receiving, via a network, a broadcast stream created from a broadcast source that includes image and audio data and is used for broadcasting (paragraph [0016]), said digital broadcasting system comprising:

a coding unit operable to code a broadcast source depending on a characteristic of the broadcast source (implicit in paragraph [0025]);

a synthesizing unit operable to generate data bursts (paragraph [0018]);

a multiplexing unit operable to create a broadcast stream by multiplexing the generated data bursts (paragraph [0020]);

a transmitting unit operable to transmit the created broadcast stream to the network (paragraph [0020]);

a receiving unit operable to receive the transmitted broadcast stream (paragraph [0021]);

a decoding unit operable to extract, from the received broadcast stream, a code (implicit in paragraph [0032]); and

a reproducing unit operable to reproduce the broadcast source using the extracted code (paragraph [0023]).

The subject-matter of independent claim 1 therefore differs from this known system in that hierarchical coding is used.

The use of hierarchical coding in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because it is a matter of general practice to use hierarchical coding for providing error resilience in video transport systems (see document D2, p. 978, right column, l. 46 to p. 979, left column, l. 6).

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 9-11, which therefore are also considered not inventive.

Dependent claims 2-8 do not contain any features which, in combination with the features of claim 1 to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.

Document D1 discloses the additional features of claims 2 and 3 (paragraph [0022]), of claim 4 (paragraphs [0017]-[0018]), of claim 5 (paragraph [0021]) and of claim 6 (paragraph [0033]).

Document D2 discloses the additional features of claims 7 and 8 (p. 979, left column, l. 16-21).